



United States  
Department of  
Agriculture

Agricultural  
Marketing  
Service

Stop 0253, Room 2610-S  
1400 Independence Avenue, SW  
Washington, DC 20250-0253

**FEBRUARY 2008**

**APPENDIX 1**

**ANNUAL**

**CERTIFICATIONS,**

**REPRESENTATIONS,**

**AND**

**WARRANTIES**

**ANNOUNCEMENT LS-135,**

**CANNED PINK SALMON**

### **Certifications, Representations, and Warranties**

**THESE CERTIFICATIONS CONCERN MATTERS WITHIN THE JURISDICTION OF AN AGENCY OF THE UNITED STATES AND THE MAKING OF A FALSE, FICTITIOUS, OR FRAUDULENT CERTIFICATION MAY RENDER THE MAKER SUBJECT TO PROSECUTION UNDER THE UNITED STATES CODE, INCLUDING TITLE 18, U.S.C. SECTION 1001.**

This Appendix is incorporated by reference to Announcement LS-135 (Announcement) and must be submitted to the Contracting Officer so that a determination of responsibility can be made with respect to offers submitted in response to invitations issued under the Announcement. The Livestock and Seed Program of Agricultural Marketing Service (LS-AMS) will retain on file this Appendix as the Offeror's certifications, representations, and warranties for subsequent invitations for offers under the Announcement. By signing an offer under the Announcement, the Offeror certifies and warrants that the Appendix on file with LS-AMS is current. Offerors are responsible for updating this Appendix as may be necessary prior to, or with any applicable offer submitted.

A false certification may result in rejection of an offer, suspension or debarment, termination of the contract, liability for damages under the provisions of USDA-1, or criminal prosecution.

#### **1. Notice of Requirements for Certification of Nonsegregated Facilities**

By signing an offer under this Announcement, the Offeror will be deemed to have signed and agreed to the provisions of the "Certification of Nonsegregated Facilities" of Article 31 of USDA-1.

#### **2. Responsibility of Offeror**

- A. Offeror certifies that the producing plant(s) specified in offer is a facility(s) operating under the applicable Salmon Control Plan regulations (50 C.F.R. 260); and
- B. Offeror agrees to include the certifications in paragraph A above (substituting the word "subcontractor" for "offeror") in all applicable subcontracts.

#### **3. Buy American Certification**

By submitting an offer, the Offeror certifies that end products to be furnished will be of domestic origin as defined in section I.F. of the Announcement. This provision is a deviation from 48 C.F.R. Part 25.

**4. Domestic Products Certification****A. Responsibility**

1. The offeror agrees to deliver only end products originating from fish landed by American flag vessels as defined in section I.F. of the Announcement.
2. If the offeror processes or handles products originating from sources other than salmon landed by American flag vessels, offeror agrees to develop and maintain an identification and record system for these products to ensure they are segregated and not used to fulfill contracts awarded under this Announcement and make such segregation plans available to the Contracting Officer or agent thereof upon request.
3. The offeror agrees to include section I.F. "Domestic Products" in its entirety in all subcontracts for agricultural supplies used in fulfilling any contracts awarded under this Announcement.
4. The offeror agrees to maintain records including, but not limited to, invoices, production, and inventory records evidencing product origin; and to make such records available for review by the Government in accordance with Article 76 of USDA-1.

- B. In making each shipment under the contract, the Contractor is certifying that all products delivered to USDA under the contract are domestic as defined in section I.F. of the Announcement.

**5. Small Business Program Representation****A. The North American Industry Classification System (NAICS)**

1. The NAICS Code for this acquisition will be 311711.
2. For the canned and frozen packaged fish industry, a business with less than 500 employees is classified as a small business under the Small Business Act.
3. The small business size standard for a concern which submits an offer in its own name, other than a construction or service contract, but which proposes to furnish a product which it did not itself manufacture is 500 employees.

**B. Definition**

“Small Business Concern” as used in this provision means a concern, including its affiliates, that is independently owned and operated, not dominant in the field of operation in which it is bidding on Government contracts, and qualified as a small business under the criteria in 13 C.F.R. part 121 and the size standard in paragraph A.2. of this provision.

C. Agreement

A manufacturer or nonmanufacturer submitting an offer in its own name warrants delivery of only small business set-aside end items manufactured or produced by small business concerns inside the United States, its territories or possessions, Puerto Rico, or the Trust Territories of the Pacific Islands.

**6. Contingent Fee Representation (Circle Option at A and B) – FAR 52.203-5**

The offeror represents that, except for full-time bona fide employees working solely for the offeror, the offeror

- A. **(HAS) (HAS NOT)** employed or retained any person or company to solicit or obtain this contract; and
- B. **(HAS) (HAS NOT)** paid or agreed to pay to any person or entity employed or retained to solicit or obtain this contract any commission, percentage, brokerage, or other fee contingent upon or resulting from the award of this contract.

**7. Central Contractor Registry (CCR) System**

Offeror certifies that the offeror **(HAS) (HAS NOT)** registered under the CCR system as prescribed in Title 48 C.F.R., Subpart 4.1104.

8. The certifications, warranties, and representations as set forth in this Appendix and part C and D of USDA-1, are hereby made.

IN WITNESS WHEREOF, the undersigned has executed this Appendix  
\_\_\_\_\_ day of \_\_\_\_\_, 2008.

NAME OF FIRM: \_\_\_\_\_

SIGNATURE <sup>1</sup>: \_\_\_\_\_ TITLE: \_\_\_\_\_

\_\_\_\_\_  
(Typed Name of the Officer of the Company)

TYPE OF FIRM: \_\_\_\_\_  
(Corporation, Partnership, Individual Proprietorship)

ADDRESS: \_\_\_\_\_

CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP CODE: \_\_\_\_\_

TELEPHONE NO: \_\_\_\_\_ FAX NO: \_\_\_\_\_

<sup>1</sup> Before signing this Appendix, See article 6 of USDA-1, Signing Of Offers